



Appeal Decision

Site visit made on 15 March 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/D0840/W/23/3330365

60 Boscathnoe Way, Heamoor, Penzance, TR18 3JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Wallis against the decision of Cornwall Council.
 - The application Ref PA23/00893, dated 2 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is described as demolition of existing single storey domestic extension and replacement with one new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the appeal application was refused the National Planning Policy Framework 2021 has been replaced. Within the current National Planning Policy Framework December 2023 (Framework), paragraph 130 of the Framework 2021 has been renumbered 135, although its content is unchanged. For the avoidance of any doubt, I confirm that in this decision I have referred to the new numbering.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located within a modern housing estate which includes a mix of detached bungalows and two storey detached, semi-detached and terraced houses from a limited range of designs and palette of materials. Typically, the dwellings have uncluttered front elevations with projecting front porches under simple shallow pitched roofs with gables to the sides. The size of the gaps between individual buildings varies greatly, as do the spaces alongside the dwellings which occupy corner positions. In addition, many of the dwellings have flat roofed garages to the side, or side extensions.
5. These features together with the informal siting of the modest height bungalows; gaps between buildings, including above ground floor level; garden areas between and to the front of the dwellings and the areas of grass within the highway all contribute to the cohesive and suburban character and appearance of the estate.

6. The appeal site is located within a part of Boscathnoe Way that is characterised by short uniformly sized and designed two storey terraces. The terraces have flat front elevations with projecting front porches and uncluttered shallow pitched roofs with gables at either end of the terraces. There are small gaps between the terraces, which are set back from the street behind modest sized front gardens which include large areas of hardstanding. This results in a more urban and enclosed street scene.
7. The appeal terrace sits at the end of the row of terraces and the appeal property is at the outer end of the terrace. It has a large irregular shaped side garden, which is enclosed to the front and side by a tall close boarded fence. This fence hides the existing flat roofed single storey side extension which sits at a slightly lower level to the highway.
8. Beyond the side garden is an enclosed passageway with the rear gardens to the row of terraced houses beyond. These dwellings front onto Parc Letta and the side garden to 26 Parc Letta is similarly screened from the street scene by a tall close boarded fence. Together the fences fronting Boscathnoe Way have a utilitarian and urbanising impact on the street scene, although the views over them towards the side and rear garden environment contribute to the separation of the two terraces and the suburban character of the estate.
9. Together and amongst other things paragraphs 8 and 135 of the Framework and policies 1, 2 and 12 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP), promote sustainable forms of development. Proposals should be designed to a high quality, provide continuity with the existing built form, maintain and sustain local character and add to the overall quality of the area. At the same time development should optimise the potential of a site.
10. The proposed dwelling would replace the existing side extension. The proposed two storey section would exceed the width of the host dwelling and its front porch canopy would be both wider and shallower than the existing front porches within the terrace. The proposed dwelling would have a more steeply pitched roof with an uncharacteristic, hipped end and wall dormer windows. Also, whilst the first-floor windows reflect those of the hosts terrace the gaps between the windows are wider and the ground floor full height windows fail to reflect the windows of the host terrace.
11. Collectively, these features would result in the proposed dwelling appearing contrived and totally out of keeping with the host terrace and the street scene. The proposed flat roofed side extension, with its strong horizontal lines and irregular shape would exacerbate the contrived appearance of the dwelling.
12. The two storey element of the proposed dwelling would not be as wide as the previously refused scheme, although it would materially reduce the open gap between the host dwelling and the adjacent terrace Parc Letta. Whilst the size of gaps between dwellings varies considerably within the estate, this particular gap offers relief to the more intensive form of the terraces fronting this section of Boscathnoe Way. It also provides a reasonable separation distance between the host terrace and the rear elevation if the adjacent terrace at Parc Letta. Due to the alignment of the two terraces the relationship between the two storey rear outer corner of the proposed dwelling and the rear elevation of No.26 Parc Letta (No.26) would appear cramped.

13. As a result of these factors the proposed dwelling would significantly harm the character and appearance of the host terrace and the street scene, which would detract from the overall character and appearance of the estate. This harm would materially outweigh the benefits of providing an additional dwelling within this established and accessible residential area. This is not a matter that could be satisfactorily addressed through the imposition of conditions.
14. As pointed out by the appellant several two storey side extensions have been built nearby, which have reduced the gaps between dwellings. The parts of the estate in which these dwellings are located are visually more spacious and the properties concerned are not sited as close to the rear elevation of a two storey terrace. Also, these extensions reflect and respect the form, proportions and detailed design of the host buildings. As such they are not directly comparable to the appeal proposal.
15. Finally, I have taken into account the availability of permitted development rights within the estate. However, due to its size the proposal falls outside the scope of such rights and needs to be assessed in light of the prevailing planning policies.
16. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the area. Accordingly, it would conflict with CLP Policies 1, 2 & 12 and paragraphs 8 and 135 of the Framework.

Other matters

17. Due to its proximity, the two storey part of the proposed dwelling would be dominant when viewed from the rear windows and garden at No.26 and to a lesser degree the dwellings at 25 and 27 Parc Letta. Whilst such harm would not amount to a reason for dismissing this appeal it highlights the cramped relationship between the proposed dwelling and the dwelling No.26.
18. Due to the combined distance and juxtaposition between the proposed dwelling and the adjacent terrace, the occupiers of the terrace would continue to receive good levels of daylight and sunlight.
19. Whilst I note the concerns expressed relating to drainage and highway safety, adequate surface drainage and the provision of safe and acceptable on-site parking provision are matters that could be secured through the imposition of conditions.

Conclusion

20. Whilst I have found in favour of the appellant on some points, the conclusion on the main issue represents a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR